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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,226	12/02/2003	Carsten Mehring	DWRZK-002C	3733
7663	7590	09/21/2004	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/726,226	MEHRING, CARSTEN	
	Examiner Hung Q Dang	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 December 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 33-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 33-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/04, 4/02/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Double Patenting***

1. Claims 32-48 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,670,894. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in U.S. Patent 6,670,894. Broader claims in a later application constitute obvious double patenting of narrow claims in an issued patent. See *In re Van Ornum and Stang*, 214, USPQ 761, 766, and 767 (CCPA) (the court sustained an obvious double patenting rejection of generic claims in a continuation application over narrower species claims in an issued patent); *In re Vogel*, 164 USPQ 619, 622, and 623 (CCPA 1970) (generic application claims specifying “meat” is obvious double patenting of narrow patent claims specifying “pork”).

2. Claim 33 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,670,894. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claim 33 of this application and claim 1 of U.S. Patent 6,670,894 both claim a finger mounted data entry device for a user to enter information into a computing device, the data entry device mounted on at least one of a user's hands, each of the at least one of the user's hands having a plurality of fingers and one thumb, and a palm-side and a back-side, the data entry device being adapted to accept data entry in a

manner mimicking a keyboard that generates a signal representing a character corresponding to a key selected from a plurality of keys arranged in a plurality of rows on the keyboard, the data entry device comprising:

two sets of thumb contacts positioned on respective ones of the user's thumbs on each of the at least one of the user's hands, each set of thumb contacts including a plurality of thumb contact wherein each respective one of the thumb contacts corresponds to a respective one of the plurality of rows on the keyboard; and

a plurality of finger contacts positioned on respective ones of the user's fingers on each of the at least one of the user's hands such that contact between any one of the finger contacts and a respective one of the thumb contacts generates a signal equivalent to the signal that would be generated if touch typing was used by the user to press a corresponding key in the corresponding row of keys on the keyboard.

Even though claim 1 of U.S. Patent 6,670,894 does not identically claim the exact words as claim 1 of this application, however, the claimed limitation "Two sets of thumbs contacts positioned on respective ones of the user's thumbs, each set of thumb contacts including a first thumb contact which represents the base row of keys, a second thumb contact which represents the upper row of keys, and third thumb contact which represents the lower row of keys" of U.S. Patent 6,670,894 does cover the claimed limitation "two sets of thumb contacts positioned on respective ones of the user's thumbs on each of the at least one of the user's hands, each set of thumb contacts including a plurality of thumb contact wherein each respective one of the

thumb contacts corresponds to a respective one of the plurality of rows on the keyboard" of this application.

**Claim 34** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,670,894. Claim 2 of U.S. Patent 6,670,894 also claims the data entry of 1, wherein the finger contacts are each positioned on the palm-side of the user's hand proximate a tip of a respective one of the user's finger.

**Claim 35** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,670,894. Claim 9 of U.S. Patent 6,670,894 also claims the data entry device of Claim 1, wherein the signal generated is transmitted to the computing device.

**Claim 38** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,670,894. Claim 13 of U.S. Patent 6,670,894 also claims the data entry device of claim 1, wherein the keyboard is a QWERTY keyboard.

**Claim 39** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,670,894. Claim 14 of U.S Patent 6,670,894 also claims the data entry device of claim 1, wherein the finger contacts and thumb contacts are attached to a glove that is worn by the user.

**Claim 40** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of U.S. Patent No. 6,670,894. Claim 15 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 1,

wherein the finger contacts and the thumb contacts are attached to a flexible skeletal structure that is worn by the user.

**Claim 41** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,670,894. Claim 16 of U.S. Patent No. 6,670,894 also claims the data entry device of claim of claim 15, wherein the flexible skeletal structure comprises clips configured to hold the finger contacts and the thumb contacts at prescribed positions on the user's fingers and thumbs.

**Claim 42** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of U.S. Patent No. 6,670,894. Claim 17 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 15, wherein the flexible skeletal structure comprises thin flexible spirals carrying imprinted electrical wires, the thin flexible spirals worn around the user's fingers and thumbs.

**Claim 43** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,670,894. Claim 18 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 1, wherein the finger contacts and the thumb contacts are located on rings that are worn on the user's fingers and thumbs.

**Claim 44** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,670,894. Claim 19 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 18,

wherein the rings on each finger are connected to each other and to a signal encoder via flexible wires.

**Claim 45** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. 6,670,894. Claim 20 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 19, wherein the flexible wires are spiral wires.

**Claim 46** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,670,894. Claim 21 of U.S. Patent No. 6,670,894 also claims the date entry device of claim 18, wherein an application and retrieving device is used for placing the rings on or removing the rings off of the user's fingers and thumbs.

**Claim 47** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,670,894. Claim 22 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 1, wherein the thumb contacts are finger contacts are positioned on the fingers and thumbs of both of the user's hands.

**Claim 48** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 32 of U.S. Patent No. 6,670,894. Claim 32 of U.S. Patent No. 6,670,894 also claims the data entry device of claim 1, wherein the thumb contacts and the finger contacts are positioned on one of the user's hands; and the data entry device further comprises a sensor configured to detect positioning of the user's hand having the contacts, the sensor toggling between two sets

of characters, a first set of characters being equivalent to a first set of characters on a half-keyboard in a first configuration and a second set of characters being equivalent to a second set of characters on the half-keyboard in a second toggled configuration.

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HQD

MICHAEL HORABIK  
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